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Dated: April 9, 2009

Electronic Signature for William A. Di Bianca: /William A. Di Bianca/

SPINE 3.0-446 CIP III CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralph et al.

Application No.: 10/648,464

Filed: August 25, 2003

For: INTERVERTEBRAL SPACER DEVICE
HAVING A SLOTTED PARTIAL
CIRCULAR DOMED ARCH STRIP SPRING

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: Group Art Unit: 3774
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: Examiner: J. G. Blanco
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Madam:

In response to the Official Action mailed February 26, 2009, Applicants submit the following remarks to the 37 C.F.R. § 1.105 Requirement for Information due on April 26, 2009. Applicants thank the Examiner for discussing the current Action with Applicants' undersigned counsel during a telephone discussion on March 24, 2009.

As outlined in the Action, 37 C.F.R. § 1.105 states in part that in the course of examining a matter, the Examiner may require the submission of such information that "may be reasonably necessary to properly examine or treat the matter." In accordance with M.P.E.P. § 704.11(a)(G), information that may be reasonably required is "identification of pending or abandoned applications filed by at least one of the inventors or assigned to the same assignee as the current application that disclose similar subject matter that are not otherwise identified in the current application." Pursuant to the above

mentioned MPEP section and as requested by the Examiner in the Action, Applicants submit the following list of all applications and patents related to the present application:

| SERIAL. NO. | PATENT NO. |
|-------------|------------|
| 09/982,148 | 6,673,113 |
| 10/035,614 | 6,669,731 |
| 10/035,640 | 6,887,273 |
| 10/035,668 | 6,645,249 |
| 10/035,669 | 6,610,092 |
| 10/128,619 | 6,863,689 |
| 10/140,153 | |
| 10/151,280 | |
| 10/175,417 | |
| 10/256,160 | 6,989,032 |
| 10/282,356 | 7,169,182 |
| 10/294,980 | 7,118,599 |
| 10/294,981 | 7,101,399 |
| 10/294,982 | 7,022,139 |
| 10/294,983 | 7,258,699 |
| 10/294,984 | 7,044,969 |
| 10/294,985 | 7,060,098 |
| 10/294,986 | 7,066,959 |
| 10/294,988 | 7,163,559 |
| 10/294,989 | 7,044,970 |
| 10/309,585 | 7,115,132 |
| 10/425,267 | 7,235,081 |
| 10/642,522 | |
| 10/642,523 | 7,141,069 |
| 10/642,524 | 7,186,268 |
| 10/642,526 | |
| 10/642,527 | 7,223,290 |
| 10/642,528 | 7,160,327 |
| 10/642,529 | |
| 10/648,464 | |
| 10/663,486 | 7,491,241 |
| 10/663,486 | 7,491,241 |
| 10/663,486 | 7,491,241 |
| 10/663,487 | |

| SERIAL. NO. | PATENT NO. |
|-------------|------------|
| 10/663,487 | |
| 10/663,487 | |
| 10/663,488 | |
| 10/663,488 | |
| 10/663,488 | |
| 10/663,492 | 7,223,291 |
| 10/663,492 | 7,223,291 |
| 10/663,492 | 7,223,291 |
| 10/663,493 | |
| 10/663,493 | |
| 10/663,493 | |
| 10/706,766 | 7,014,658 |
| 10/715,969 | 7,261,739 |
| 10/725,296 | 6,869,446 |
| 10/725,297 | 6,932,844 |
| 10/782,981 | |
| 10/783,152 | |
| 10/784,597 | |
| 10/784,598 | |
| 10/784,628 | |
| 10/784,629 | |
| 10/784,637 | |
| 10/784,645 | |
| 10/784,646 | |
| 11/037,921 | 7,141,070 |
| 11/073,987 | |
| 11/208,664 | 7,144,426 |
| 11/657,268 | |
| 11/716,360 | |
| 11/716,360 | |
| 11/716,360 | |
| 11/789,327 | |
| 12/150,105 | |
| 12/321,562 | |
| 12/321,562 | |
| 12/321,562 | |

Applicants respectfully submit that there is no requirement on the Applicants to self-examine the present application. Determining what might be subject to double patenting is part of the examination process and not the responsibility of the Applicants. At this time, Applicants request that the Examiner examine the pending claims on the merits. If, however, for any reason the Examiner does not believe that action can be taken at this time, it respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 9, 2009

Respectfully submitted,
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